



February 28, 2008

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Ms. Patricia Van Gerpen
Executive Director
SD Public Utilities Commission
State Capitol Building
Pierre, SD 57501

Re: Territory Exception, Yankton County, SD

Dear Ms. Gerpen:

The purpose of this letter is to request approval from the Public Utilities Commission allowing Clay-Union Electric Corporation (Clay-Union) to provide electrical service to Midcontinent Communications Booster Station. Said Booster Station is located in NorthWestern Energy's (NorthWestern) Service Territory near the Northwest corner of the Northwest Quarter (NW1/4) of Section 16, Township 93 North, Range 55 West, Yankton County.

Midcontinent Communications Booster Station is situated adjacent to a transformer pole directly below Clay-Union's existing overhead power line located along the West side of Bill Baggs Road (142nd Avenue). NorthWestern has an existing overhead power line located along the East side of Bill Baggs Road (142nd Avenue).

Midcontinent Communications has requested (see attached letter) that NorthWestern allow Clay-Union to provide electrical service to their Booster Station. Enclosed you will find a Consent and Agreement for Electric Service in Assigned Service territory of Another Electric Supplier (prepared by NorthWestern). Also enclosed is a drawing (Exhibit "A") showing the location of Midcontinent Communications Booster Station and NorthWestern's and Clay-Union's overhead power lines.

Thank you for your assistance, if you have any questions please give me a call at 605-353-7528.

Sincerely,

A handwritten signature in blue ink that reads "Ron Gogolin".

Ron L. Gogolin
Coordinator - Land and Easement

enclosure
Cc: Brad Wenande

**CONSENT AND AGREEMENT FOR
ELECTRIC SERVICE IN
ASSIGNED SERVICE TERRITORY
OF ANOTHER ELECTRIC SUPPLIER**

As agreed between NorthWestern Corporation, d/b/a NorthWestern Energy (**NorthWestern**), 600 Market Street West, Huron, South Dakota 57350-1500 and Clay-Union Electric Corporation (**Clay-Union**) PO Box 317, Vermillion, South Dakota 57069.

NorthWestern has assigned territorial rights to provide Electrical Service in Section Sixteen (S16), Township Ninety-three North (T.93 N.), Mission Hill South Township, Range Fifty-five West (R.55 W.) of the Fifth (5th) Principal Meridian, Yankton County, South Dakota. By this Consent and Agreement **NorthWestern** hereby agrees to allow **Clay-Union** to supply electric service in its assigned service territory, pursuant to South Dakota Codified Law 49-34A-55 and the provisions of this Consent and Agreement.

The execution of this Consent and Agreement is made with the understanding and agreement that the land described herein shall remain a part of the assigned service area of **NorthWestern**, and that by virtue of this Consent and Agreement, **Clay-Union** does not acquire any assigned service area rights in any portion of the property, nor will **Clay-Union** acquire any rights to provide electric service in the area or in any other area on the basis of the electric line construction allowed pursuant to this Consent and Agreement. Furthermore, this Consent and Agreement shall not be admissible in evidence before any court or commission, nor shall it constitute or establish at any time a precedent between **NorthWestern** and **Clay-Union**.

NorthWestern consents to **Clay-Union** providing **Electrical Service** to a Midcontinent Communications Booster Station for as long as said Booster Station is in use. Should said Booster Station cease being used all rights granted by this Consent and Agreement shall be **Terminated**.

**The Midcontinent Communications Booster Station is located near
the Northwest Corner of the Northwest Quarter (NW1/4) of Section
Sixteen (S16), Township Ninety-three North (T.93N.), Range Fifty-five
West (R.55W) of the Fifth (5th) Principal Meridian, Yankton County,
South Dakota. As shown on the attached Exhibit "A"**

This Consent and Agreement is effective only after being approved by the Public Utilities Commission.

Dated this 28th day of FEBRUARY, 2008.

NORTHWESTERN ENERGY

By: 

Its: Coordinator-Land & Easement

CLAY-UNION ELECTRIC CORPORATION

By: 

Its: Manager



410 South Phillips Avenue
Sioux Falls, South Dakota 57104

Northwestern Energy
Brad Wenande
PO BOX 777
Yankton, SD 57078

January 29, 2008

Northwestern Energy,

Midcontinent Communications is requesting permission from Northwestern Energy, to receive a new electrical service from Clay Union Electric. The location of the requested electrical service is near 908 Bill Baggs Rd in Yankton, SD. We are making this request because of the close proximity to Clay Union facilities and the timeline we need the electrical service. We currently have duct between our facility and a Clay Union Electric transformer pole.

Sincerely

A handwritten signature in dark ink, appearing to read "Al Mullinix". The signature is written in a cursive, flowing style.

Al Mullinix
Project Coordinator
Midcontinent Communications

Over Fifty Years of Service